

**POLYGRAPH EXAMINERS ADVISORY BOARD**  
**MINUTES OF MEETING**  
**JANUARY 11, 2007**

The Polygraph Examiners Advisory Board met on Thursday, January 11, 2007, at the Department of Professional and Occupational Regulation, 3600 West Broad Street, 4<sup>th</sup> Floor, Richmond, Virginia. The following Board members were present:

Paul Minor, Chairman  
Denise Likens, Vice Chairman  
Sandra Baum  
Bernard Levin  
John E. McDowell

A. W. Omohundro

Barry Colvert and Elizabeth Wildhack were absent from the meeting.

Staff present for all or part of the meeting:

Jay W. DeBoer, Director  
Karen O'Neal, Deputy Director  
Eric L. Olson, Executive Director  
Kevin Hoeft, Regulatory Boards Administrator  
Karen Kenney, Administrative Assistant  
Sharon Sweet, Education & Examinations

Chairman Minor called the meeting to order at 11:30 a.m.

**Call to Order**

Dr. Levin offered a motion to approve the agenda. Mr. Omohundro seconded the motion, which was approved unanimously.

**Approval of  
Agenda**

Dr. Levin offered a motion to approve the Board's October 26, 2006, meeting minutes. Sgt. Likens seconded the motion, which was approved unanimously.

**Approval of  
October 26, 2006,  
Meeting Minutes**

There was no public comment.

**Public  
Comment**

Chairman Minor informed the Board that two candidates are sitting for the licensure examination today.

**Examination of  
License  
Candidates  
Polygraph  
Examiner License  
Examination  
Questions' Review**

Sharon Sweet informed the Board that its examination vendor, Professional Credential Services, Inc. (PCS), performed an item analysis of the June and October 2006 administrations of the new Polygraph Examiner License Examination's written portion.

A total of 35 questions were reviewed: eighteen from the October test, thirteen from the June test, and four questions which

appeared on both tests. A small number of these questions were incorrectly keyed. Corrections were made to the test question item bank, and new test forms were provided to the Board for its December 2006 examinations administration.

Ms. Sweet also informed the Board that examination candidates' pass rate is 83% since the Board's new examination was implemented in December 2005.

Kevin Hoeft informed the Board that the final general amendments to the Board's current regulations have been approved by the Secretary of Commerce and Trade and have been forwarded to the Governor's Office for final review.

#### **Regulatory Review Update**

The Director and Board reviewed for final approval the proposed fee increases to the Board's current regulations. Dr. Levin offered a motion to recommend that the Director approve fee increases as final. Sgt. Likens seconded the motion, which was approved unanimously. The Director approved these regulations as final.

The following Old Business was addressed.

#### **Old Business**

Kevin Hoeft advised the Board that staff contacted 27 other states to determine their continuing education requirements for polygraph examiner license renewal. Nine states have continuing education requirements for polygraph examiner license renewal, nine do not have continuing education requirements, and nine states either do not issue a polygraph examiner license or failed to return staff calls.

#### **Continuing Education Requirements in Other States**

During discussion, the Board concluded that the low number of complaints against its licensees and the requirement for a statutory change to require continuing education for polygraph examiners weigh against initiating continuing education as a condition for license renewal.

Dr. Levin offered a motion to add all Polygraph Examiner and Polygraph Examiner Intern licensees to the Board's Public Participation Guidelines Notification List so that all licensees will be apprised of any statutory or regulatory changes that affect their profession. Sgt. Likens seconded the motion, which was approved unanimously.

The Board discussed the limits on sexual activities questions that may be asked by polygraph examiners for law enforcement pre-employment Pretest Interview and Test Questions and reviewed a letter seeking guidance on this issue from Sergeant Vernon Lee White of the Chesapeake Sheriff's Office.

#### **Limits on Sexual Activities Questions Asked by Polygraph Examiners**

After discussion, the Board recommended that the Director reply by letter to Sgt. White informing him that federal and state law exempts local governments, including law enforcement agencies, from being prohibited to ask sexual activities questions during pre-employment interviews.

The following New Business was addressed.

Board Executive Director Eric Olson was appointed by Governor Kaine to serve on the Commission on Sexual Violence.

Mr. Olson informed the Board of Commission business, specifically concerning administering polygraph examinations to sexual violence victims as a prerequisite for conducting an investigation. Several states have prohibited the administration of polygraph examinations to such victims. Mr. Olson will keep the Board apprised of the Commission's work on this subject.

After a motion by Mr. Omohundro, seconded by Dr. Levin, the Board voted unanimously to commend the service of Board Past Chairman Gary Jenkins by presenting him with a resolution at the Board's next meeting on April 5, 2007.

Travel vouchers and conflict of interest forms were completed by all the Board members present.

Sgt. Likens made a motion to adjourn the meeting at 12:50 p.m. Dr. Levin seconded the motion, which was approved unanimously.

**New Business**

**Governor's  
Commission on  
Sexual Violence  
related to  
Polygraph  
Examinations**

**Resolution  
Commending Past  
Chairman Gary  
Jenkins**

**Completion of  
Paperwork**

**Adjourn**

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Paul K. Minor, Chairman

\_\_\_\_\_  
Date

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Jay W. DeBoer, Secretary

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Date